



# Haryana Government Gazette

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**PART—I****Notifications, Orders and Declarations by Haryana Government**

PERSONNEL DEPARTMENT

(SERVICES-III)

The 27th September, 2005

No. 25/6/2001-4SIIL.— In exercise of the powers conferred by Article 234 of the Constitution of India,

the Governor of Haryana is pleased to appoint the following as Civil Judge (Junior Division)-cum-Judicial Magistrates in the State of Haryana on probation :—

Sr. No.	Name of the Officer	Place of Posting	Date of Joining
1.	Shri Anubhav Sharma,	Faridabad	7-7-2005 (F. N.)

G. MADHAVAN,  
Chief Secretary to Government, Haryana.

**JUSTICE G. C. GARG (RETD.)**

**Commission of Inquiry**

(GURGAON INCIDENT OF VIOLENCE AND CLASH ON JULY 25, 2005)

ROOM NO. 30, 9TH FLOOR, HARYANA CIVIL SECRETARIAT, CHANDIGARH

29th September, 2005

**No. 6COI/2005.**—The Government of Haryana *vide* notification No. 3/2/2005-IH(C), dated July 26, 2005 has appointed Justice G. C. Garg, Retired Judge of the Punjab and Haryana High Court, as Commission of Inquiry, in exercise of the powers conferred on it by Sub-section (I) of Section (3) of the Commissions of Inquiry Act, 1952 for short the 'Act' to enquire into the circumstances leading to violence and clash between industrial workers and the Police on 25th July, 2005 and other connected issues. No rules have been notified by the State Government u/s 12 of the Act, the Commission therefore, hereby notifies the following Regulations of procedure u/s 8 of the Act, for the purposes of the enquiry.

**Regulations :**

1. The Headquarter of the Commission shall be in Room No. 30, 9th Floor, Main Secretariat Building, Sector 1, Chandigarh.
2. The Commission shall ordinarily hold its sittings in Room No. 30, 9th Floor, Secretariat Building, Sector 1, Chandigarh, but keeping in view the terms of reference and for the smooth and efficient functioning of the Commission and with a view to ensure that the evidence of the intersected persons in the inquiry is collected and recorded on the spot, some sittings of the Commission may be held at any other places in Haryana, Union Territory of Delhi or at any other place. The date, time and venue of the sittings of the Commission will be notified from time to time.
3. The proceedings of the Commission shall be in English. However, the Commission may in its discretion, keeping in view the peculiar facts and circumstance, allow the proceedings to be conducted in Hindi. In that event the true translation of the proceedings shall also be recorded.
4. The office of the Commission shall function from 10.00 A.M. to 1.00 P.M. and 2.00 P.M. to 4.00 P.M. on all working days observed by the Government of Haryana.
5. The hearings of the Commission will be open to public except when the Commission thinks fit to direct otherwise in public interest or for any other good reason.
6. The entry to the visitors to the Court Room where the Commission intends to hold public sittings shall be regulated if considered necessary.
7. No person shall be permitted to take photographs or tape record the proceedings of the Commission without the permission of the Commission.

8. All communications to the Commission shall be addressed to the Secretary to the Commission at its address at Chandigarh.
9. (i) The Secretary to the Commission or any other official of the Commission duly authorized, may receive any document on behalf of the Commission and sign the summon or any other process.
  - (ii) Commission may issue summons to persons whose attendance before it may be required either to give evidence or produce documents.
  - (iii) Every summon issued by the Commission shall specify the time and place at which the person summoned is required to attend.
  - (iv) A person may be summoned to produce the document in his possession or control, without being summoned to give evidence and he shall be deemed to have complied with the summons if the document is produced even without attending personally.
  - (v) Every summon shall be sent by post or in such other manner as the Commission may direct.
10. (1) Commission shall :
  - (a) issue a public notice to be published in leading English and Hindi daily Newspaper having wide circulation in the region inviting all persons acquainted with the subject matter of the enquiry to furnish to the Commission an affidavit relating to matters as specified in the notice.
  - (b) Every person furnishing affidavit under sub-regulation (a) shall also furnish to the Commission along with the affidavit a list of the documents, if any, on which he proposes to rely and forward it to the Commission, wherever practicable, the originals or true copies of such of the documents as may be in his possession or control and shall state the name and address of the person from whom the remaining documents may be obtained. He may also file a list of witnesses with their full addresses whom he wishes to examine in support of his statement.
- (2) (a) If the affidavit filed does not contain a full version, the Commission shall have the right to seek elucidation, clarification or further information or to direct filing of additional affidavit making full disclosure of the facts known to him.
  - (b) The affidavits filed should be duly attested as prescribed by law.
  - (c) The affidavit may be presented personally to the Secretary or an official authorized by him during office hours on all working days between 11.00 A. M. to 1.00 P.M., within the stipulated period or the same may be sent by registered post acknowledgement due or speed post.
  - (d) The affidavits submitted before the Commission shall as far as possible be in English language. If the affidavits are in a language other than English it shall be accompanied by a translation thereof in English duly authenticated to be true translation by an Advocate or a Magistrate.
  - (e) The affidavit shall be drawn up in first person and divided into paragraphs to be numbered consecutively.
  - (f) The opening of the affidavit shall state the description, occupation, postal address, and true place of abode of the deponent.
  - (g) The affidavit at the end shall be verified in the following manner :—

Verified that the statement made in paragraphs \_\_\_\_\_ to \_\_\_\_\_ of the above affidavit are true to my personal knowledge.
  - (h) All affidavits filed before the Commission other than in English shall be accompanied by its true translation in English .

- (3) (a) Commission shall examine all the affidavits furnished to it and if, after such examination, the Commission considers it necessary in the interest of justice, may call upon any person filing an affidavit to give oral evidence and submit himself to cross-examination. The affidavit filed by a person shall be treated as part of his examination in Chief.
- (b) The Commission may at any stage of the proceedings if considers necessary call upon a person or persons including various officers of the State Government, who in its opinion are likely to be acquainted with the facts relating to the matters specified in Notification to file a statement of facts on affidavit. If the affidavit filed does not contain full version of the deponent, the Commission may direct the deponent to submit an additional affidavit making a full disclosure of the facts known to him.
- (c) If, after all the evidence is recorded under clause (a) of Sub-regulation (3), the State Government applies to the Commission to recall any witness already examined or to examine any new witness, the Commission, if satisfied that it is necessary for the proper determination of any relevant fact to do so, shall recall the witness or examine such other witness.
- (d) The Commission may in its discretion refuse to call any person for oral examination or cross-examination and instead allow him to be examined on affidavit through interrogatories delivered to him. It may also dispense with the attendance of any person for the purpose of giving evidence before it if in its opinion there are sufficient reasons. Such reasons shall be reduced to writing.
- (e) The Commission may refuse to summon any witness whose evidence in its opinion is unnecessary, irrelevant, scandalous, frivolous, vexatious or which may tend to prejudice, embarrass or delay the proceedings and which is otherwise an abuse of the process of law.
11. Technical rules of the Evidence Act as such shall not govern the recording and admissibility of evidence before the Commission. However, the principles of natural justice underlying the primary provisions of Evidence Act shall be followed as a guide.
12. Further regulations of procedure will be devised as and when the necessity for the same shall arise.
13. The Commission may either *suo motto* or on an application made by any person or party delete or expunge any matter from any petition, affidavit or other document or return any document presented presumed to the Commission which in the opinion of the Commission is irrelevant or needlessly offensive, scurrilous or scandalous.
14. The Commission may in its discretion utilize the services of officers of any department or agency for conducting any investigation or for eliciting the views of persons having expertise in field relating to the enquiry.
15. The Commission reserves its right to alter, modify, delete or add to any of these regulations at any time during the inquiry, as and when it considers necessary.
16. The report of Commission and the papers relating to its Secretariat, its establishment matters and all other matters handled by or in the Commission including the evidence lead before the Commission shall be preserved and shall be submitted with the report of the Commission. The Superintendent or any other official specially authorized in this behalf, in the office of the Commission shall be the custodian of office record pertaining to the Commission.

By order Commission of Inquiry.

T. C. GUPTA,  
Registrar-cum-Secretary.